

APPROVED: *February 27, 1989*ATTEST: *Anita M. Conner*MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting 01-89

January 9, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland on Monday, January 9, 1989 at 7:35 p.m.

## PRESENT

Councilmember Stephen N. Abrams

Councilmember James F. Coyle

Councilmember Viola Hovsepien

Councilmember David Robbins

## ABSENT

Mayor Douglas Duncan (family illness)

In the absence of Mayor Duncan due to family illness and upon motion of Councilmember Hovsepien, duly seconded and passed by a vote of 3/0, the Council voted to appoint Councilmember Coyle as Mayor pro tem for the meeting.

Mayor pro tem Coyle in the Chair.

In attendance: City Manager Bruce Romer, Assistant City Attorney Frank Lacey, and City Clerk Margaret Gearin.

## Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. The Martin Luther King Jr. Birthday Celebration will take place on Monday, January 16th at noon and has been relocated from City Hall to the F. Scott Fitzgerald Theater. The speaker will be Dr. Diggs of the National Institutes of Health. A reception will follow at the Social Hall.
2. The Maryland Municipal League Dinner will take place in Annapolis on January 26th.

3. Two new reporters will be covering City of Rockville news: Andrea Carlos for the Journal and Denise Marshall for the Chronicle.

4. A vendor handbook and policy statement on vendors dealing with the City will be available in the coming weeks. In answer to a question from Mayor pro tem Coyle, the City Manager stated that minority purchasing procedures are included in the vendor handbook.

5. The City Attorney is currently drafting amendatory language to the Montgomery County Code to extend a local property tax credit to owners of designated historic properties in Rockville. A letter will be sent by Mayor Duncan to the County to request sponsorship of this amendment as soon as the amending legislation is completed.

Re: Approval of Proclamation for Jaycee Week, January 15-21, 1989. Don Harris, President of the Rockville Jaycees, will receive the proclamation.

Proclamation 01-89

There being no objection from the Council, Mayor pro tem Coyle proceeded to issue Proclamation No. 01-89, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. The proclamation was read by Councilmember Robbins at the Mayor's request and observes the founding of the Jaycees sixty-eight years ago and to recognize their contributions to the betterment of the Rockville community.

Re: Introduction of Boy Scouts

Councilmember Hovsepian introduced the members of Boy Scout Troop #944 who had visited City Hall on Saturday and were present this evening. The scouts are working on their Citizenship Badge.

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Re: Approval of Minutes -- Meeting No.  
38-88 (October 10, 1988)

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 38-88 (October 10, 1988) were approved as written.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Dr. James Moone, President of the Association of Citizens Concerned for the Rockville Area (ACCRA), complimented the City on its outstanding Yuletide decorations around the City including the giant tree at the Civic Center.

In addition, Dr. Moone asked the City to encourage all City employees to attend the Martin Luther King Jr. Birthday Celebration on January 16th.

He also requested help for three employees who were present at the Council meeting and who have worked from 16-29 years for the City who feel there has been favoritism in hiring and promotion in the Public Works Department. Meetings have been held with the Department of Public Works and one subsequent meeting with the City Manager and Donald Fletcher, the Treasurer of the ACCRA. Dr. Moone thanked the City Manager for his reply to ACCRA and ACCRA is following through on that reply.

Councilmember Abrams asked the City Manager to supply the material to the Mayor and Council as reported by Dr. Moone. Councilmember Robbins asked if these issues were going through the normal grievance procedures. The City Manager responded that they had not as yet.

Regarding the City's Affirmative Action Plan, Dr. Moone asked where the Plan was, how much money had been spent on it and when the final document with the grievance procedures could be expected. He also asked for the status of a personnel study by City Consultant Rupert Curry which was completed at the time of the Affirmative Action

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Report and has not been distributed to the public. The City Manager stated that nothing had proceeded on it, and he would bring Dr. Moone up to date on it.

Mayor pro tem Coyle noted that the Mayor and Council had reviewed the Equal Employment Opportunity Policy and the Affirmative Action Plan and asked the City Manager to clarify it for Dr. Moone.

Dr. Moone listed the following requests for changes in procedures by some Public Works Department workers who were present at the meeting:

The need for rest facilities for snow removal crews who now sit in trucks with windows down and engines running on their break time allowed by the union contract. The City Manager responded that these are operational issues and that there are mechanisms to deal with these concerns. Councilmember Robbins asked if these issues had been raised with Public Works. Councilmember Abrams stated that the Mayor and Council did not have the facts and that if the City Manager had not heard about the issues, then it was unjust because there was a dialogue going on between the City Manager and ACCRA.

Assistant City Attorney Frank Lacey stated that grievance procedures should be followed, it should be discussed with the union first or the Mayor and Council would be subject to unfair labor practices. Dr. Moone acknowledged they should be brought to the union but there was no faith in the union and he considered the pollution problems life and death issues which he hoped could be solved this winter season.

Mayor pro tem advised Dr. Moone that the Mayor and Council are sincerely interested in hearing from City employees but the proper protocol should be followed when bringing issues forward.

Since these issues are beyond the purview of the Mayor and Council to rule on, the City Manager will meet in the next few days with Dr. Moone and will

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keep the Mayor and Council apprised of the status of his requests.

2. Leah Barnett, 19 Orchard Way North, asked the City to be aware that the County planned to install modular units at the County Detention Center on Seven Locks Road in Rockville. Mayor pro tem Coyle stated that the Mayor and Council will meet with County officials to discuss it and to ensure that information is provided to citizens about the proposed project.

3. Iris Calhoon, no permanent address, Rainbow Shelter, Rockville, stated that she is an evangelist whose ministry is to the homeless, those on welfare and the Black Community. She added that Dr. Moone's concerns are her concerns. She stated that she had experienced an incident of discrimination and had reported it to both the County and City Human Relations Commission. The City Manager promised to follow up on the report with Jane English from Community Services.

4. Bill Surgi, 1704 McAuliffe Drive, asked the cooperation of the City and any assistance they might give in preserving the airplane hangar now located near Congressional Plaza and in the path of development on Rockville Pike. A group interested in aviation history hopes to acquire the building, disassemble it and move it to College Park Airport, the oldest operating airport in the world where the Wright Brothers have flown. Mayor pro tem Coyle directed the City Manager to be alert to the issue.

Re: Authorization of Release of Sanitary  
Sewer Easement at 722 Harrington  
Road

An attorney who conducted a settlement on the sale of 722 Harrington Road has requested that the City release a portion of a sanitary sewer easement that crosses the property. This is necessary in order for the new owners to obtain title insurance.

This action releases a portion of a sanitary sewer easement which is no longer needed by the City. The Public Works Department has reviewed the request and reports

that the City no longer uses the easement across the property for a sanitary sewer and has no objection to the release of the easement. Similarly, the Legal Department has no objection to the proposed release which is in proper form.

Upon motion of Councilmember Abrams, duly seconded and unanimously approved, the Council granted authorization of Release of Sanitary Sewer Easement at 722 Harrington Road.

Re: Approval of waiver for on-site Storm Water Management for the Mental Health Association of Montgomery County located on the corner of Twinbrook Parkway and Baltimore Road in the Rock Creek drainage area, and acceptance of a \$9,660 contribution for the off-site SWM fund

The association has planned to expand the existing parking lot. The proposed parking lot will result in 0.21 acres of imperviousness. Because of the small size the facility would be a potential maintenance problem with on-site storm water management. The contribution of \$9,660 (0.21 acres @ \$46,000 per acre) will support off-site SWM.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, a waiver for on-site storm water management for the Mental Health Association of Montgomery County located on the corner of Twinbrook Parkway and Baltimore Road in the Rock Creek drainage area, and acceptance of a \$9,660 contribution for the off-site SWM fund was approved by Mayor and Council.

Re: Approval of a waiver for on-site Storm Water Management for 1321 Rockville Pike - Woodmont Station Limited Partnership, Richard S. Cohen, Developer, and acceptance of a \$80,500 contribution for the off-site SWM program

This site is currently improved with a building, paved parking area, and related

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improvements; the owner proposes to add an additional building on the site. The proposed building will result in 1.75 acres of imperviousness. Because of the soils, on-site methods of storm water management are not suitable. Also, detention methods are not practical due to site topography. The developer is seeking a waiver of on-site SWM requirements (1.75 acres @ \$46,000 per acre) to support off site SWM. Staff recommends that Mayor and Council grant the waiver and accept a contribution of \$80,500 for off-site SWM program.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, a waiver for on-site Storm Water Management for 1321 Rockville Pike - Woodmont Station Limited Partnership, Richard S. Cohen, Developer, and acceptance of a \$80,500 contribution for the off-site SWM program was approved by Mayor and Council.

Re: Award of construction contract to  
Nazario Construction Company,  
Beltsville, for its low bid of  
\$46,790 for the construction of a  
15-inch sewer main

Development of the west side of Research Blvd., south of Gude Drive, and on both the east and west sides of Research Blvd north of Gude Drive, are served by a 20 - year-old, 12-inch concrete sanitary sewer. It is anticipated that with the development of the Thomas Farm that a 15-inch sewer will be needed. The new sewer will replace the old sewer.

This proposed construction was authorized in FY 89 C.I.P. under a project titled "Watts Branch Sewer" and will extend the sewer 497 feet north of the intersection of Research Boulevard and Route 28 to replace an existing sewer. This contract provides for the installation of 497 feet of 15-inch diameter sanitary sewer which begins at a recently constructed sanitary sewer at Research/Rte 28. Following the City work, a developer will install an additional 493 feet of sanitary sewer to serve his development. Eventually, approximately 2,000 feet of additional sanitary sewer will

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be installed to serve this portion of the City.

Thirteen companies requested bid documents and seven bids were returned. The engineer's estimate was \$51,000 to complete the project.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the construction contract was awarded to Nazario Construction Company, Beltsville, for its low bid of \$46,790 for the construction of a 15-inch sewer main.

Re: Introduction of Ordinance to amend Section 3-2.07 of the "Laws of Rockville" so as to replace the Personnel Officer with the Director of Finance as the Executive Secretary of the City's Retirement and Disability Board

The City Manager determined that greater organizational efficiencies can be achieved through realignment of staff support for the Retirement and Disability Board. The transfer of staff support for in-house administration of the Retirement and Disability Board from the Personnel Officer to the Director of Finance is recognition that those duties are primarily financial in scope and relate more to the duties, training, and skills required of a financial manager. Therefore, this realignment will provide greater organizational efficiencies and assure strong staff support for the Board.

Upon motion of Councilmember Abrams, there was laid upon the table an ordinance to amend Section 3-2.07 of the "Laws of Rockville" so as to replace the Personnel Officer with the Director of Finance as the Executive Secretary of the City's Retirement and Disability Board.

Re: Preliminary Review - Text Amendment Application T-92-88, Farid Srour, Applicant

The applicant is proposing a mixed-use development at the intersection of Viers Mill Road and First Street. This site is in the O-1 Zone which does not allow



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residential uses. The subject text amendment would allow multi-family uses in the 0-1 Zone without any increase in the F.A.R. (3.0) or height (75 feet.)

The Mayor and Council instructed the staff to prepare the necessary documents to amend the Zoning Ordinance to allow multi-family dwellings in the 0-1, Office Building Zone.

Re: Introduction of Ordinance to grant Application to Close and Abandon Public Way SCA-55-88, Montgomery County Board of Education Applicant. Abandonment of a segment of Richard Montgomery Drive right-of-way that extends from E. Jefferson Street into Richard Montgomery High School site

The subject portion of right-of-way is 60 feet in width, extends approximately 600 feet into the school site and contains 36,457 square feet of land. A portion of the right-of-way is improved with the main driveway entrance from E. Jefferson Street. A driveway will remain in this location with the new improvements, but will be reduced in width to enforce a one-way traffic pattern. The existence of public right-of-way presented potential conflicts with the proposed improvements, as well as concerns for construction and maintenance requirements. Therefore, in its approval of Use Permit U-407088, the Planning Commission required that the Board of Education seek abandonment of the subject right-of-way. Following the public hearing and recommendations from the Planning Commission and staff, the Mayor and Council decided to approve the abandonment subject to the recordation of an easement over an existing public storm drain located in the right-of-way.

Upon motion of Councilmember Abrams, there was laid upon the table an ordinance to close and abandon Public Way SCA-55-88, Montgomery County Board of Education Applicant. Abandonment of a segment of Richard Montgomery Drive right-of-way that extends from E. Jefferson Street into Richard Montgomery High School site. Said

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ordinance to lay over for at least two weeks before final action is taken.

Re: Introduction of Ordinance to grant  
Text Amendment Application T-90-  
88, Mayor and Council, applicant

This text amendment has been prepared and filed on behalf of the Mayor and Council to address numerous problems that have occurred with uses that have operated under the temporary permit provisions of the Ordinance. The text amendment proposed to delete from the Zoning Ordinance sales of garden produce, house plants and cut flowers as uses allowed by temporary permit issued by the Superintendent of Licenses and Inspection. Following the public hearing and a recommendation from the Planning Commission, the Mayor and Council decided to delete the sale of garden produce during the months of May through October, from the proposed amendments.

Upon motion of Councilmember Abrams, there was laid upon the table an ordinance to delete from the Zoning Ordinance sales of house plants and cut flowers as uses allowed by temporary permit issued by the Superintendent of Licensing, but still allow the sale of garden produce during the months of May through April. Said ordinance to be laid over for at least two weeks before final action.

Re: Instructions to staff -- Proposed  
text amendments to allow additional  
permitted retail uses in the I-1,  
Service Industrial Zone, but  
restrict accessory use retailing  
in the zone

At the Mayor and Council's request, the staff has prepared a report on retailing in the I-1, Service Industrial Zone. The report discusses problems with zoning enforcement and interpretation, and recommends several options for resolving the problems. The report concludes with a recommendation that a number of additional retail uses should be allowed in the zone, but that the present accommodation of accessory use retailing should be eliminated. Planning Director Rick Kuckkahn

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explained that the purpose of the amendments is to complement, not displace, I-1 zoning. In answer to Council questions, staff will provide more information on parking requirements necessary with such a change; examples of general professional offices not dealing with the public; the requirements in an industrial zone, the difference between industrial zoning and industrial zone with retail use; and what impact a broader use of this zone would have on the City. In addition, the City Manager will provide a proposed amendment.

## Re: New Business

1. Councilmember Abrams requested the City Manager to provide a status report on the UMTA Grant.

2. Councilmember Robbins noted that a water main broke in his neighborhood at 7:00 p.m. on Christmas Eve. Within minutes, a Public Works Department employee notified the houses in the area to turn off their water. The problem was corrected by 11:00 p.m. He thanked Don Douglass, Maintenance Superintendent, and crew members Richard Combs, Leon Washington, Howard Foreman and Gary Golden for their positive attitude and a job well done.

3. Councilmember Abrams thanked the staff for their efforts in snow removal this season. After a complete briefing by Don Douglass, Maintenance Superintendent, in Work Session with the Mayor and Council, the Mayor and Council will look at new and added equipment to maintain a high level of service.

## Re: Executive Session

On motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session to discuss property matters and public security matters and to confer with legal counsel in the City Manager's Conference Room at 9:00 p.m.

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Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:55 p.m. to be convened again in General Session at 7:30 p.m. on December 19, 1989 or at the call of the Mayor.